- THE HON'BLE SRI JUSTICE C.Y. SOMAYAJULU
- **+W.P.No.18753 of 2000**

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%.01.02.2005.

#P. Usha Rani

.....Petitioner

Vs.

$1. The District Collector & District Magistrate, Nizamabad District.

2. The Mandal Revenue Officer, Armoor, Nizamabad District.

.....Respondents

Counsel for the Petitioner : Sri.K. RAGHUVEER REDDY

Counsel for the Respondent Nos. 1 and 2 : G.P. FOR SOCIAL WELFARE

<Gist :

>Head Note:

? Cases referred:

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 18753 of 2000

Between:

P.Usha Rani, W/o. P.C.Bojanna,
H.No. 1-1-4/9/1, Mahalakshmi Colony, Armoor,
Nizamabad District.

..... PETITIONER

AND

1 The District Collector & District Magistrate,
Nizamabad District.
2 The Mandal Revenue Officer,
Armoor, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or direction, declaring the action of the Respondent No.2 in rejecting to issue Caste Certificate to the petitioner by mentioning her surname and her husband's name, pursuant to impugned memo dt. 16.9.2000 in Memo No. B3/6704/2000 on the file of 2nd Respondent, as illegal, arbitrary and without jurisdiction and to consequently direct the Respondents to forthwith issue the Caste Certificate to the petitioner as B.C.'B' Category showing her surname and her husband's name in the said Certificate;

Award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondent Nos1 and 2: GP FOR SOCIAL WELFARE

The Court made the following :

THE HONOURABLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.18753 of 2000

ORDER:

Petitioner made an application to the 2nd respondent- Mandal Revenue Officer, Armoor for issuance of a Caste Certificate. The Caste Certificate was issued with her maiden surname, describing her as the daughter of Narsimlu, but not as the wife of Bojanna as sought by her in her application. Therefore, she made an application to the 2nd respondent-Mandal Revenue Officer to change her surname and include the name of her husband in place of her father's name in the caste certificate, to enable her to contest the ensuing Panchayat Elections. Since that application was not considered on the ground that as per the existing system, the caste certificate will have to be issued to the applicant, with original surname, she would have to follow the procedure prescribed in G.O.Ms.(P) No.819 General Administration (General-C) Department, dated 08.12.1977 for change of her name in the caste certificate.

2. When the writ petition came up for admission, the learned Judge gave an interim direction to the respondents to issue the community certificate to the petitioner showing her as belonging to B.C. "B" category with her surname as 'P' and her husband's name It is stated that such certificate was issued to her.

3. The contention of the respondents that as per the existing system caste certificate can be issued in the maiden name of the applicant only, cannot be accepted because as per the procedure prescribed by Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 ('the Act') and the Rules, made there under the essential requirement for issuance of such certificate is the authority, competent to issue the community certificates, satisfying itself about the genuineness of the claim made by the applicant.

4. Since the authority has to make an enquiry about the genuineness of the claim of the applicant he can verify the caste of the parents of the applicant and the caste of her husband etc. No provision in the Act or the Rules made there under which mandates that the caste certificate being issued only in the maiden name of a married woman is brought to my notice. The fact that petitioner belongs to B.C. "B" community is not denied or disputed by the respondents. Though the petitioner made an application as the wife of P. Bojanna, the caste certificate was issued to her describing her as the daughter of Narsimlu. Therefore, she sought for a change in her surname and incorporation of her husband's name after deleting her father's name. Judicial notice can be taken of the fact that immediately after marriage women in this part of the Country shed their parents' surname and gotra and acquire the surnames and gotras of the husband. For that reason, petitioner being a married woman sought a change of her surname and inclusion of the name of her husband by deleting the name of her father. Had the petitioner been given a caste certificate in her maiden name, and if after her marriage she wanted an amendment in the certificate issued to her the respondents may have been justified in directing her to follow the procedure prescribed in G.O.Ms. (P) No.819 General Administration (General-C) Department dated 08.12.1977. Since the petitioner, for the first time, sought a caste certificate after her marriage, and since no provision either in the Act or the Rules made there under which contemplates the caste certificate of a married woman being issued in her maiden name only is brought to my notice, I do not find any force in the contention of the respondents that petitioner has to follow the procedure prescribed in G.O.Ms. (P) No. 819 dated 08.12.1977 for getting her name changed in the certificate issued by them to her on her application as the wife of Bojanna and should have acceded to her request.

5. In view of the fact that respondents issued a caste certificate as per the interim orders of this Court, which is in accordance with the prayer in this petition no further orders are necessary in this writ petition. Accordingly, Rule Nisi is made absolute and the writ petition stands disposed of.

01st February, 2005

Note:

L.R. Copy to be marked.

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One Fair Copy to the Hon'ble Sri Justice C.Y. Somayajulu

(For his Lordships kind perusal)

1.The District Collector & District Magistrate,

Nizamabad District.

2.The Mandal Revenue Officer, Armoor,

Nizamabad District.

3. 8 L.R. Copies.

4.The Under Secretary, Union of India, Ministry of Law, Justice

and Company Affairs, New Delhi.

5. The Secretary, A.P. Advocates' Association, Library, High Court

Buildings, Hyderabad.

6. Two C.Cs. to the Government Pleader for Social Welfare, High

Court of A.P., Hyderabad (O.U.T.)

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